For the damage done in breaking the ground and bailding

Four hundred bushels of moles carried away by the mons -

## JOHN T. ADDOMS. [To accompany bill H. R. No. 46.]

FEBRUARY 29, 1840.

Mr. Giddings, from the Committee of Claims, made the following

## REPORT:

The Committee of Claims, to whom was referred the petition of John T. Addoms, of Plattsburg, New York, executor of John Addoms, deceased,

That this claim has been several times before the Committee of Claims, and reported upon favorably (vide Report of second session, 25th Congress, No. 152); which report the committee adopt, and make a part of this report, and accordingly herewith report a bill.

## March 30, 1836.

The Committee of Claims, to whom was referred the petition of John T. Addoms, of Plattsburg, New York, executor of John Addoms, deceased, report:

That the petitioner states that the said John Addoms had a claim against the United States, for property used, and damages done to his premises in Plattsburg, by the United States troops during the last war, amounting to about seven hundred dollars, which is still due and unpaid.

He refers to the Third Auditor's office, or to the office of the Clerk of

the House of Representatives, for the papers in the case.

The committee sent to the Third Auditor for the papers, if in his possession, and procured them. They were deposited with the commissioner of claims in 1817. A part of the account having been allowed, the papers are necessary vouchers to be kept on file; and Mr. Hagner having requested that they be returned, the committee directed copies to be made, which accompany this report.

It appears from said papers that John Addoms made out his account against the United States for said property and damages, as early as November, 1814, and that it was allowed by two commissioners appointed

to examine it. The following copy is referred to:

"We, the undersigned, appointed to appraise damage done on the farm of John Addoms, on Cumberland head, by the United States troops, in the course of the last summer and fall, do report that the said John Addoms has sustained the following damage, viz:

Blair & Rives, printers.

For the damage done in breaking the ground and building forts on the farm	\$100 00
One hundred and fifty trees of a large size, for military pur-	100 00
poses	50 00
Firewood and small timber -	30 00
One thousand cedar rails destroyed  Twelve acres of meadow destroyed, the grass all trodden	
down, and damage done pastures	98 00
Four acres of buckwheat destroyed	30 00
Three hundred bushels of potatoes	112 50
Four hundred bushels of apples carried away by the troops -	200 00
Five cwt. of hav	2 50
One plough taken and not returned -	10 00
REPORT;	733 00

And that the whole amount of the damage done by the United States troops amounts to seven hundred and thirty-three dollars.

THOMAS TREADWELL.

PLATTSBURG, November 21, 1814."

On the back of said account is the following order, signed by Colonel Melancton Smith:

"The deputy quartermaster general will pay the within account, except the items for *potatoes* and *apples*.

SMITH, Colonel 29th, commanding.

November 25th, 1814."

He wrote and signed the following certificate on the back of said account, explanatory of rejecting the items mentioned:

"I hereby certify that I refused to order payment for the aforesaid articles of potatoes and apples, because the United States troops were not encamped on the spot where they were taken or destroyed, and not because I doubted the correctness of the aforesaid appraisal.

MELANCTON SMITH."

The account remaining unpaid, and application having been made to Mr. Lee, commissioner of claims, under the act of March 9th, 1816, for payment, Mr. Lee appointed Joseph Watson and John Palmer (the latter being a judge of the county of Clinton), commissioners to take testimony in this case. The commission bears date on the 18th of September, 1816.

Mr. Palmer only acted as commissioner. He took the depositions of Thomas Treadwell, William Peters, and

Abel Hoskins.

Thomas Treadwell was the person appointed on the part of the United States, with Levi Platt, who was selected by John Addoms, to appraise the damage the claimant had sustained.

He testifies to the building of a fort on the land of John Addoms, to its

occupation, and to the damage to the farm by the erection of the fort. He identifies the paper containing the account, which is among the papers procured from the Third Auditor's office, and the estimate of damages.

made by him and Levi Platt.

William Peters is very particular in his deposition. He says the land could not be levelled off and restored to what it was, short of some hundreds of dollars. He is positive one hundred would not do it. He also testifies to the destruction of the meadow for that season, and of the buckwheat crop; also to the use made of the apples and potatoes by the troops.

Abel Hoskins testifies substantially the same.

Thomas Moore's deposition was taken before Reuben H. Walworth,

then a master in chancery. This witness also sustains the claim.

On the 8th of May, 1817, Mr. Lee, commissioner of claims, allowed \$192 50, comprising the second, third, fourth, ninth, and tenth items. He would have allowed the first, fifth, and sixth items, amounting to \$228, but for the opinion of the Secretary of War.

He rejected the seventh and eighth items, amounting to \$312 50, be-

cause they were not recognised by the commanding officer.

The first, fifth, and sixth items, amounting to \$228, are for injury done to the land, and for the destruction of the grass on the meadow, and the

buckwheat, by reason of occupying the ground as mentioned.

Whatever might have been the opinion of the Secretary of War as to the liability of the United States to pay for such damages under the act of April 9, 1816, Congress has, at various sessions, passed special acts remunerating those whose lands have been occupied for military purposes for the damages they sustained.

Where the face of the ground has been broken, it has been restored at the expense of the United States. Where crops have been necessarily destroyed in the prosecution of public works, or where the ground on which they were growing has been used for public purposes, the United

States have paid for them.

The testimony in this case was taken in 1816, and fully proves the

damages sustained by the said John Addoms.

Taking the apples and potatoes was without authority, and payment should not be made for them.

The committee think the sum of \$228 should be paid, and for this pur-

pose report a bill.

Perceiving an endorsement on the back of the file, in the handwriting of Mr. Hagner, and signed by him, of the following tenor, to wit: "No payment through this department," and it being without date, the committee desired to know when he made it, in order to ascertain whether the sum allowed by Mr. Lee had been paid. His reply shows it was made before the 9th of May, 1817. It appears from a note he obtained at the Treasury Department, that the sum of \$192 50 was paid to Joseph Watson, as the agent of John Addoms, on the 17th of May, 1817.

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